

Bill No. SB 2220

Barcode 800450

585-2121-05

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1                                   A bill to be entitled

2           An act relating to a public-records exemption

3           for the Voluntary Prekindergarten Education

4           Program; creating s. 1002.72, F.S.; creating an

5           exemption from public-records requirements for

6           individual records of children enrolled in the

7           Voluntary Prekindergarten Education Program;

8           providing for retroactive application;

9           providing for exceptions to the exemption;

10          providing for future review and repeal under

11          the Open Government Sunset Review Act;

12          providing a statement of public necessity;

13          providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17          Section 1. Section 1002.72, Florida Statutes, is

18 created to read:

19          1002.72 Records of children in the Voluntary

20 Prekindergarten Education Program.--

21          (1) The individual records of a child enrolled in the

22 Voluntary Prekindergarten Education Program held by an early

23 learning coalition, the Agency for Workforce Innovation, or a

24 Voluntary Prekindergarten Education Program provider are

25 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

26 of the State Constitution. For purposes of this section, such

27 records include assessment data, health data, records of

28 teacher observations, and personal identifying information of

29 an enrolled child and his or her parent. This exemption

30 applies to individual records of a child enrolled in the

31 Voluntary Prekindergarten Education Program held by an early

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1 learning coalition, the Agency for Workforce Innovation, or a  
2 Voluntary Prekindergarten Education Program provider before,  
3 on, or after the effective date of this exemption.

4 (2) A parent has the right to inspect and review the  
5 individual Voluntary Prekindergarten Education Program record  
6 of his or her child and to obtain a copy of such record.

7 (3) Confidential and exempt Voluntary Prekindergarten  
8 Education Program records may be released to:

9 (a) The United States Secretary of Education, the  
10 United States Secretary of Health and Human Services, and the  
11 Comptroller General of the United States for the purpose of  
12 federal audits.

13 (b) Individuals or organizations conducting studies  
14 for institutions to develop, validate, or administer  
15 assessments or improve instruction.

16 (c) Accrediting organizations in order to carry out  
17 their accrediting functions.

18 (d) Appropriate parties in connection with an  
19 emergency if the information is necessary to protect the  
20 health or safety of the child or other individuals.

21 (e) The Auditor General in connection with his or her  
22 official functions.

23 (f) A court of competent jurisdiction in compliance  
24 with an order of that court pursuant to a lawfully issued  
25 subpoena.

26 (g) Parties to an interagency agreement among early  
27 learning coalitions, local governmental agencies, Voluntary  
28 Prekindergarten Education Program providers, or state agencies  
29 for the purpose of implementing the Voluntary Prekindergarten  
30 Education Program.

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1 Agencies, organizations, or individuals receiving such  
2 confidential and exempt records in order to carry out their  
3 official functions must protect the records in a manner that  
4 will not permit the personal identification of an enrolled  
5 child or his or her parent by persons other than those  
6 authorized to receive the records.

7       (4) This section is subject to the Open Government  
8 Sunset Review Act of 1995 in accordance with s. 119.15, and  
9 shall stand repealed October 2, 2010, unless reviewed and  
10 saved from repeal through reenactment by the Legislature.

11       Section 2. The Legislature finds that it is a public  
12 necessity that the individual records of a child enrolled in  
13 the Voluntary Prekindergarten Education Program held by an  
14 early learning coalition, the Agency for Workforce Innovation,  
15 or a Voluntary Prekindergarten Education Program provider be  
16 made confidential and exempt from public-records requirements.  
17 The exemption for such records, which include assessment data,  
18 health data, records of teacher observations, and personal  
19 identifying information of an enrolled child and his or her  
20 parent, is necessary for the Voluntary Prekindergarten  
21 Education Program to work efficiently and effectively. If such  
22 records were not made confidential and exempt, the  
23 administration of the Voluntary Prekindergarten Education  
24 Program would be significantly impaired since parents would be  
25 less inclined to allow their children to participate in the  
26 program because sensitive, personal information would be made  
27 available to the public. The release of such records would  
28 cause an unwarranted invasion into the life and privacy of  
29 enrolled children and their parents thereby significantly  
30 decreasing the number of program enrollees. The Legislature  
31 finds that assessment data and records of teacher observations

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1 contain sensitive, personal information regarding an enrolled  
2 child and the child's progress in the Voluntary  
3 Prekindergarten Education Program. Release of such information  
4 could cause embarrassment to the child and could stifle the  
5 child's progress in the program. The Legislature further finds  
6 that it is a public necessity that an enrolled child's health  
7 data be made confidential and exempt from public disclosure  
8 because such data is of a sensitive and personal nature.  
9 Matters of personal health are traditionally private and  
10 confidential concerns between a patient and a health care  
11 provider. The private and confidential nature of personal  
12 health matters pervades both the public and private health  
13 care sectors. For these reasons, an individual's expectation  
14 of a right to privacy in all matters regarding his or her  
15 personal health necessitates such exemption. Finally, the  
16 Legislature finds that it is a public necessity that the  
17 personal identifying information of a child enrolled in the  
18 Voluntary Prekindergarten Education Program and the personal  
19 identifying information of the child's parent be made  
20 confidential and exempt from public disclosure. The release of  
21 such information could endanger the safety and welfare of  
22 4-year-old children, and the availability of such information  
23 could lead to increased opportunities for child abduction or  
24 identity theft.

25       Section 3. This act shall take effect upon becoming a  
26 law.

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